THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No.26953 OF 2005

DATE: 17-08-2006

Between:

Mr. Ahmed Bin Abdul Raheem

. . .Petitioner

and

The Government of Andhra Pradesh and another

. . .Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No.26953 OF 2005

O R A L O R D E R:

The petitioner seeks declaration of the action of the respondents in not paying compensation for the property occupied by the respondents and for the structures demolished therein, in premises No.16-2-171 rear side of Chanchalguda Jail, as illegal and violative of the provisions of the Land Acquisition Act, 1894 (for short, the Act).

In response to the petitioner's allegations that he was dispossessed of his property for the construction of a jail and without the due process of law under the provisions of the Act, the Superintendent of Central Prison, the third respondent, has filed a counter-affidavit stating that the Jail Department has not occupied the property of the petitioner and therefore, the question of payment of compensation does not arise. It is also asserted that as on date, the Central Prison, Chanchalguda, Hyderabad is in occupation of Ac.49-26 of land in the Survey Numbers specified and that no land of the petitioner is under its occupation.

In the light of the averments in the counter-affidavit particularly those clearly denying the occupation of the petitioner's property, if the petitioner is aggrieved that he has been dispossessed from his

property or that his property has been encroached upon by the respondents for the purpose of constructing the Central Prison, the petitioner is at liberty to pursue appropriate remedies before the civil Court of competent jurisdiction. As disputed questions of fact are involved and as respondents have categorically and unequivocally denied the petitioner's allegation, no relief could be granted in this writ petition.

The writ petition is accordingly dismissed granting liberty to the petitioner to pursue appropriate civil remedies.

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(GODA RAGHURAM, J)

17th AUGUST, 2006

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